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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARCO BARONE, individually and on behalf of others
similarly situated, and AGOSTINO CANGIANO,
individually and on behalf of others similarly situated,

Plaintiffs,

-against-

CAMPANIA FELIX LLC d/b/a SAN MATTEO PIZZERIA
E CUCINA, SANMATTEO TAKEAWAY CORP. d/b/a
SAN MATTEO TAKEAWAY, SALERNITANI LTD.
d/b/a SAN MATTEO PIZZA ESPRESSO BAR, FABIO
CASELLA, and RAFAEL DOE,

Defendants.

1:20-cv-06709-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On June 4, 2021, the Court entered a Civil Case Management Plan and Scheduling Order. [ECF No. 37]. That Order scheduled a Post-Discovery Conference for October 19, 2021. [ECF No. 37]. The Court directed the parties to submit, one week before the conference, a *joint* letter with the following information in separate paragraphs:

- a. a statement of any existing deadlines, due dates, and/or cut-off dates;
- b. a brief description of any outstanding motions;
- c. a brief description of the discovery and undertaken if either party believes any additional discovery that needs to be completed;
- d. a statement describing the status of any settlement discussions and whether the parties would like a settlement conference;
- e. a statement of the anticipated length of trial and whether the case is to be tried to a jury;
- f. a statement of whether any party anticipates filing a motion for summary judgment or a motion to exclude expert testimony (*see* Individual Practice Rules ¶4(A)(i));
- g. any other issue that the parties would like to address at the conference; and
- h. any other information that the parties believe may assist the Court in advancing the case to settlement or trial.

[ECF No. 37].

By October 14, 2021, the parties had not filed this letter. As such, the Court adjourned the conference and ordered the parties, again, to file a joint letter providing the information from the

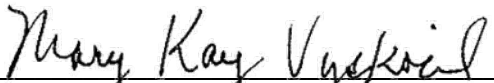
Civil Case Management Plan and Scheduling Order and, further, explaining why they should not be sanctioned for failure to comply with the Court’s Order. [ECF No. 43]. On October 27, 2021, the parties filed a joint letter explaining that due to changes in counsel and technical issues with ECF, the parties had difficulty completing discovery and requested an extension of the fact discovery deadline. [ECF No. 47]. The Court granted the request and adjourned the post-discovery conference to January 11, 2022 at 11:00 AM. [ECF No. 47]. The Court, a third time, directed the parties to submit a *joint* letter “as required by the Civil Case Management Plan and Scheduling Order filed at ECF No. 37.” [ECF No. 47]. The Court warned, again, that “[f]ailure to comply with the deadlines set forth herein may result in sanctions, including preclusion at trial of information not provided or dismissal of claims or defenses.” [ECF No. 47].

On January 5, 2022, Plaintiff filed a status report “without counsel for Defendants input.” [ECF No. 52]. The report merely disclosed that fact discovery is complete and the parties have not settled. [ECF No. 52].

IT IS HEREBY ORDERED that on or before January 7, 2022, the parties shall submit a *joint* letter which includes the information specified in the Civil Case Management Plan and Scheduling Order filed at ECF No. 37, including: (1) Defendants’ position on the status of fact discovery; (2) a statement of the anticipated length of trial and whether the case is to be tried to a jury; (3) a statement of whether any party anticipates filing a motion for summary judgment or a motion to exclude expert testimony (*see* Individual Practice Rules ¶4(A)(i)); and (4) any other issue that the parties would like to address at the conference. If Plaintiff is unable to coordinate with Defendants to file a status letter, Plaintiff should advise the Court of any issues. Failure to comply with the deadlines set forth herein may result in sanctions, including preclusion at trial of information not provided or dismissal of claims or defenses.

SO ORDERED.

Date: January 5, 2022
New York, NY



MARY KAY VYSKOCIL
United States District Judge